

Customer complaints procedure

Purpose

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) is committed to ensuring complaints made about its actions, decisions or the conduct of its officers are dealt with in a responsive, confidential, and objective manner, ensuring no detriment to the complainant.

This procedure describes the processes for customer complaints and should be read in conjunction with the department's Complaints management policy.

Scope

This procedure applies to:

- all departmental products, services, decisions or actions, and
- all employees of the department and non-employees including contractors, consultants and volunteers whose actions represent the department.

For this procedure, the following are not classified as complaints:

- questions, enquiries and requests for information or action
- feedback obtained during public consultation processes
- feedback received about matters outside the direct responsibility of the department
- feedback received about another agency or organisation
- complaints that are primarily contractual disputes.

This procedure does not modify or revoke any legislative requirements or appeal processes that apply to managing particular types of complaints, such as:

- privacy complaints made under the *Information Privacy Act 2009*
- complaints about right to information (for example, dissatisfaction with an access or amendment application made under the *Right to Information Act 2009* or *Information Privacy Act 2009*),
- complaints alleging criminal or corrupt conduct
- public interest disclosures as made under the *Public Interest Disclosure Act 2009*, or
- complaints made under the *Industrial Relations Act 2016*.

Definitions

See **Appendix A** for definitions of key terms referred to in this procedure.

Responsibilities and accountabilities

See the **Complaints Management Policy** for responsibilities and accountabilities related to this procedure.

Procedure

Making a complaint

Customer complaints are accepted both verbally and in writing through a variety of channels, including face to face, telephone, letter, email, facsimile or internet via the online form).

Where possible, the department aims to resolve complaints at the frontline (stage 1). However, where a complaint is of a more serious nature, it will be referred directly to a senior officer (stage 2) for action and resolution. Refer to the following table for further information.

| Complaint Stage | Process |
|--|---|
| Stage 1 (Frontline complaints) | <ul style="list-style-type: none"> Officers at the first point of contact resolve less serious complaints, where possible, in consultation with their supervisor. Details of complaints are to be sent to the Ethics unit for future analysis. If a complaint is unresolved, or assessed as more complex, it will be referred to Stage 2. If a complainant is not satisfied with the outcome of their complaint, they may request an internal review. If an internal review is requested, it is to be referred to Stage 2. Complaints received about a customer complaint outcome or the process used in dealing with a Stage 1 complaint, will be referred to Stage 2. |
| Stage 2 (Complex complaints and/or Internal Review) | <ul style="list-style-type: none"> A more senior officer or designated complaints review officer will: <ul style="list-style-type: none"> review complaints unresolved at the frontline (stage 1) upon request by the complainant for an internal review, or investigate serious and complex complaints referred directly from the frontline Where there is a complaint about investigation outcomes, a more senior officer to the original decision-maker must review the complaint in accordance with the procedure document. Where a review is to be conducted by a person other than the original decision-maker, the reviewer must be of equivalent or more senior classification to the original decision-maker. <p><i>Note: A complaint about a stage 1 decision or action of the department, received more than one year after the complainant was notified of the decision or action, is reviewed only if the authorised reviewing officer considers that exceptional circumstances exist.</i></p> |
| Stage 3 (External review) | <ul style="list-style-type: none"> Where the complaint remains unresolved after stage 2, the department will advise the complainant of relevant review and appeal options such as Queensland Ombudsman and/or other external agencies |

Assessment and action

Upon receiving a complaint, reasonable steps will be taken to ensure that the complaint is properly understood, and clarification or further information will be sought if necessary and possible.

Note: The department has a zero tolerance of all forms of domestic and family violence, as well as all forms of harassment and discrimination. Any complaint that alleges any form of physical assault, sexual assault or other criminal behaviour is to be referred to the Ethics unit. Following consideration by the delegate, such complaints may be referred to the Queensland Police Service (QPS) for investigation or other necessary action. The department takes these matters seriously and will facilitate any resulting disciplinary investigations in consultation with the QPS.

With the exception of the above, complaints are assessed, managed and responded to by the business area responsible for the policy, product or service relevant to the complaint. Where a complaint is about the service provided by an employee, the complaint is assessed and investigated by the relevant supervisor/manager.

The department maintains a register of the following information (which is managed by the Ethics unit):

- complainant's name,
- the nature of the complaint, where and when it occurred, and
- the complaint outcome is recorded by the department
- time taken to resolve the complaint.

All documents associated with complaints are to be provided to the Ethics unit for recording and reporting purposes.

A complaint about a decision or action of the department that is received more than one year after the complainant was notified of that decision or action, will be reviewed only if the authorised reviewing officer considers that exceptional circumstances exist.

Review officers may re-make decisions or provide remedies to complainants within the scope of the officers' delegated authority.

If the department is unable or cannot address the complaint, where possible, it may be referred to the appropriate external agency (such as the Queensland Ombudsman) with the consent of the complainant.

Anonymous complaints are treated on merit.

Feedback

Complainants are to be advised of the outcomes of their complaints as soon as possible and provided with reasons for decisions.

Complainants are to be advised of any available internal review options, and any statutory or external appeal options, where applicable.

If the result of a complaint presents an opportunity for the department to improve processes or operations it will be referred to the relevant area and a senior officer will have responsibility for the implementation of necessary actions.

Monitoring effectiveness

The department's complaints management system:

- must meet all statutory, policy and reporting requirements
- identify complaint trends
- monitor the time taken to resolve complaints.

Reports on the volume, trends and issues associated with department complaints are provided on a quarterly basis to the relevant committee within the department's governance framework.

In accordance with section 219A(3) of the *Public Service Act 2008*, information about customer complaints for the previous financial period is published on the department's website by 30 September after the financial year.

Reference documents

- [Crime and Corruption Act 2001](#)
- [Industrial Relations Act 2016](#)
- [Information Privacy Act 2009](#)
- [Public Interest Disclosure Act 2010](#)
- [Public Sector Ethics Act 1994](#)
- [Public Service Act 2008](#)
- [Code of Conduct for the Queensland Public Service](#)
- Standards Australia: AS/NZS 10002:2014 Guidelines for complaint management in organizations
- [Queensland Ombudsman – Complaints management guidance](#)
- [Queensland Ombudsman – Managing unreasonable complainant conduct](#)

Related documents

- [Complaints management policy](#)
- [Customer complaints procedure](#)
- [Complaints about the Director-General procedure](#)
- [Managing corrupt conduct procedure](#)
- [Managing employee complaints procedure](#)
- [Public interest disclosure procedure](#)
- [Privacy complaint procedure](#)
- [Privacy policy](#)
- [Human Resources Delegations](#)

Document control

| Document owner | | Director, Ethics People and Performance, Business Commercial and Performance | | |
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Appendix A – Definitions

The key terms referred to in this policy are as follows:

| Term | Definition |
|---|---|
| Complainant | The person who makes a complaint |
| Complaint | Expression of dissatisfaction, orally or in writing, about the products, policies, services or actions of the department and/or the associated conduct of officers, or representatives of the department |
| Corrupt conduct <i>(As defined by the <u>Crime and Corruption Commission</u>)</i> | <p>Under the <i>Crime and Corruption Act 2001</i> (CC Act), there are two different types of corrupt conduct.</p> <p>"Type A" corrupt conduct involves conduct that affects, or could affect, a public officer (an employee of a public sector agency) so that the performance of their functions or the exercise of their powers:</p> <ul style="list-style-type: none"> • is not honest or impartial, or • knowingly or recklessly breaches public trust, or • involves the misuse of agency-related information or material. <p>Common examples of Type A corrupt conduct include fraud and theft, extortion, unauthorised release of information, obtaining or offering a secret commission and nepotism.</p> <p>"Type B" corrupt conduct involves specific types of conduct that impair, or could impair, public confidence in public administration. This may include:</p> <ul style="list-style-type: none"> • collusive tendering, or • fraud relating to an application for a licence, permit or other authority relating to public health or safety; the environment; or the State's natural, cultural, mining or energy resources, or • dishonestly obtaining public funds or State assets, or • evading a State tax, levy or duty or fraudulently causing a loss of State revenue, or • fraudulently obtaining or retaining an appointment. <p>Both Type A and Type B corrupt conduct must be either a criminal offence or serious enough to warrant dismissal.</p> <p>Refer to <u>section 15</u> of the CC Act for the legal definition.</p> |
| Customer complaint | <p>A complaint about a product, service or action (or inaction) of the department, or its staff. Customer complaints include complaints about any of the following—</p> <ul style="list-style-type: none"> • a decision made, or a failure to make a decision, by an employee • an act, or failure to act, of the department • the formulation of a proposal or intention by the department • the making of a recommendation by the department • the customer service provided by an employee of the department |
| Delegate | The person authorised to perform a specific task or function on the Director-General or Minister's behalf. Delegations and authorisations are recorded in the department's delegation schedules. |
| Discloser | The person who makes a public interest disclosure (PID) under the <i>Public Interest Disclosure Act 2009</i> (PID Act) |

| Term | Definition |
|--|---|
| Domestic and family violence (DFV) | DFV occurs when one person in a relationship uses violence and abuse to maintain power and control over the other person. This can include behaviour that is physically, sexually, emotionally, psychologically or economically abusive, threatening, and coercive or aimed at controlling or dominating the other person through fear. |
| Employee complaint | <p>A complaint made by a current public service employee who has an honest belief, based on reasonable grounds, that:</p> <ul style="list-style-type: none"> • an administrative decision, which they are aggrieved by, is unfair and unreasonable • the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable • the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality • the conduct or behaviour of an employee is a breach of the Code of Conduct. <p>See the directive relating to managing employee complaints for decisions, conduct or behaviour that cannot be subject to an 'employee complaint'.</p> |
| Privacy complaint | A written complaint by an individual about an act or practice of an agency in relation to their personal information, which alleges a breach of the agency's obligations to comply with the privacy principles under the <i>Information Privacy Act 2009</i> . A privacy complaint may also relate to an act or practice of a person or entity dealing with personal information on behalf of the department (such as a contractor or consultant). |
| Procedural fairness (also known as 'natural justice') | <p>The common law duty to accord a person procedural when making a decision that affects their rights, interests or legitimate expectations. The duty to accord procedural fairness consists of three key rules:</p> <ul style="list-style-type: none"> • the fair hearing rule, which requires a decision-maker to accord a person who may be adversely affected by a decision an opportunity to present his or her case • the rule against bias, which requires a decision-maker not to have an interest in the matter to be decided and not to appear to bring a prejudiced mind to the matter • the no evidence rule, which requires a decision to be based upon logically probative evidence. |
| Public consultation | A formal process where the department has invited comment. |
| Public Interest Disclosure (PID) | An appropriate disclosure of public interest information (such as a report of corrupt conduct, reprisal, maladministration that affects a person's interests in a substantial and specific way, substantial misuse of public resources, substantial and specific: danger to public health and safety the environment) made to a proper authority. Refer to Chapter 2 of the <u>Public Interest Disclosure Act 2010</u> for the legal definition. |
| Public official | <p>Under Schedule 2 of the CC Act, a public official means—</p> <p>(a) the ombudsman; or</p> <p>(b) the chief executive officer of a unit of public administration, including the commissioner of police; or</p> <p>(c) a person who constitutes a corporate entity that is a unit of public administration.</p> |